

3:19-cv-06069-RBL-JRC

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

Coleman E. Calloway  
(Name of Plaintiff)

vs.

CIVIL RIGHTS COMPLAINT  
BY A PRISONER UNDER 42  
U.S.C. § 1983

Jeremy Gill #11287  
Stephen Sinclair Head of  
D.O.C. Washington State,

(Names of Defendant(s))

**I. Previous Lawsuits:**

A. Have you brought any other lawsuits in any federal court in the United States while a prisoner?:

☐ Yes ☒ No

B. If your answer to A is yes, how many?: \_\_\_\_\_. Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff: \_\_\_\_\_

Defendants: \_\_\_\_\_

2. Court (give name of District): \_\_\_\_\_

3. Docket Number: \_\_\_\_\_

4. Name of judge to whom case was assigned: \_\_\_\_\_

5. Disposition (For example: Was the case dismissed as frivolous or for failure to state a claim? Was it appealed? Is it still pending?):  
\_\_\_\_\_

6. Approximate date of filing lawsuit: \_\_\_\_\_

7. Approximate date of disposition: \_\_\_\_\_

II. Place of Present Confinement: Coyote Ridge Correction Center

A. Is there a prisoner grievance procedure available at this institution? ☒ Yes ☐ No

B. Have you filed any grievances concerning the facts relating to this complaint?  
☒ Yes ☐ No

If your answer is NO, explain why not:  
\_\_\_\_\_  
\_\_\_\_\_

C. Is the grievance process completed? ☒ Yes ☐ No

If your answer is YES, ATTACH A COPY OF THE FINAL GRIEVANCE RESOLUTION for any grievance concerning facts relating to this case.

### III. Parties to this Complaint

A. Name of Plaintiff: Coleman E Calloway Inmate No.: 930355  
Address: Coyote Ridge Correction Center Post Box 769 (I-20-B)  
Cannell Washington 99366-0769

(In Item B below, place the full name of the defendant, his/her official position, and his/her place of employment. Use item C for the names, positions and places of employment of any additional defendants. Attach additional sheets if necessary.)

B. Defendant: ~~TO~~ Gill, Jeremy Official Position: C/O

Place of employment: Coyote Ridge Correction Center

C. Additional defendants ~~\*\*\*~~ Stephen Sinclair, Director State of Washington Department of Corrections.

#### IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates, places, and other persons involved. Do not give any legal arguments or cite any cases or statutes. If you allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.)

On November 11, 2017 around 8:30 PM in Dunit on A pod side dayroom C/O Gill announced a directive over the P/A system which was not understandable. I approached the officers station and asked C/O Gill for clarification of his directive. C/O Gill stated "I do not want those offenders standing there watching the game." I responded by saying "Due to prison politics; you know Sex Offenders can't sit down and watch T.V. so could you give them a brake and let them watch the game it's Thanks giving?" This caused C/O Gill to become aggravated toward me. I can only assume it was because I didn't feel the same way toward Sex Offenders as he does. He has no problem telling any one his thoughts on that subject. At that point it seemed as though his attitude, posture and tone of voice all became heightened and confrontational. It was plain to see he was highly aggravated with me because I did not share his views on Sex Offenders. He then began to accuse me of being argumentative toward him because of his views on those people. I told him that I was not arguing with him and began my retreat. At that he became even more agitated and aggressive and demanded that I cell up. I asked him what I had done wrong to warrant that? He then in a raised tone and very aggressively yelled cell up or cuff up.

At that point I said "I don't know what's going on with you, but I want to talk with Sgt Todd, which is understood to be policy in consulting with a supervisor." At that point C/O Gill became enraged and started yelling, swearing and cursing at me. In fear I ran away from him toward Sgt Todd who at this point was running toward me. In my mind I thought he would protect me as I knew I had done nothing wrong. C/O Gill then attacked me by spraying me in the back of my head and across my shoulders with MACE. Unfortunately hitting Sgt Todd with over spray. Out of respect for Sgt Todd I submitted to being cuffed up by him without further incident. I was escorted to segregation, where I was further belittled, abused and degraded. I was striped and made to bow down on my knees, still handcuffed, while several officers standing around me sprayed me down with Ice cold water. As the water hit



#### IV Continuation of Statement of Claim

my head the pain was like an electric shock. I was trembling as the ice cold water began to move down my back. The MASE of course ran into my ears and down my spine to my buttox and into my anus area where caused a serious burning. That discomfort was with me for several days after the incident. The MASE that got into my ears caused a bad ear ache for several days. And I was affraid to tell anybody about it so I just took it.

I have never felt so humiliated in my entire life. I was made to feel less than human. As if I had no rights, I know now how my ancestors felt like the only thing missing was the whip. I have lived with this for the last two years and I know the feelings are worsening. I'm finding it hard to communicate with any one in authority feeling if I say anything to a cop it could cause me a problem. I might be taken wrong. As a result I always have questions that go unanswered.

I realize now how negatively this incident has affected me. I Not only have fearful dreams that wake me up and then I can't go back to sleep, so I end up sleeping most of the day. I have become reclusive, which is not in my general nature. I have always been very outgoing up to this point. But now I try to avoid any situation that I might have to state an opinion. I actually break into a sweat when I have to talk to anyone in authority.

I have considered talking to some one in medical like a phycologist but my faith keeps me from it. It's like I would be taking the last step down the path of degradation. I know that I am a broken man living in fear and humiliation, not the person who I once was.

There was a brutality shown to me that was completely unnecessary and now I need report these happenings so that it is not suffered on some one else.

As a pro-se litigant I find that my first Amendment rights were violated because I only spoke that which I believed to be true and for that I was punished unduly. And also my eighth 8<sup>th</sup> Amendment rights as I was delt cruel and unusual punishment in a situation that was not necessary. I believe I was treated with Deliberate Indifference in regard to my health and welfare. I ask respectfully that the court view all of my allegations openly and honestly.

**V. Relief**

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

I as the plaintiff want the court in its discretion to hold the defendants  
responsible for their actions. Plaintiff is asking for a total but not limited  
to \$150,000 from defendants for punitive damages, including but not limited to  
\$100,000 from defendants for compensatory damages including lifetime  
health care for any long term medical and psychological issues that he  
suffers from.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 11 day of November 20 19.

Coleman E. Calloway  
(Signature of Plaintiff)

I am filing this document of 9 pages on the 12<sup>th</sup> day of November, 2019, electronically, through the law librarian at CRCC.

respectfully

Coleman E Calloway

Coleman E Calloway

Coleman E. Calloway

I-1B20

Coyote Ridge Correction Center

PO Box 769

Connell Washington 99326